

Government of the District of Columbia Department on Disability Services

POLICY	
Department on Disability Services	Subject: Language Access
Responsible Program or Office: Developmental Disabilities Administration Rehabilitation Services Administration Disability Determination Division	Policy Number: 2023-DDS-POL000
Date of Approval by the Director:	Number of Pages: 10
Effective Date: <i>Must be equal to or later than the Date of Approval by the Director</i>	Expiration Date, if Any:
Supersedes Policy Dated: January 28, 2015	
Cross References, Related Policies and Procedures, and Related Documents: D.C. Law 15-167, the “Language Access Act of 2004,” effective June 19, 2004 (D.C. Official Code § 2-1931 <i>et seq.</i>); Title 4 (Human Rights and Relations) of the D.C. Municipal Regulations (DCMR) at Chapter 12 (Language Access Act); DDS Language Access Procedure No. 2021-DDS-PR00xx dated XX/2023	

1. PURPOSE

The purpose of this policy is to ensure that the Department on Disability Services (“DDS”) meets the requirements of D.C. Law 15-167, the “Language Access Act of 2004,” in order to provide equal access and participation in services, programs, and activities for people who are applying for, or using DDS services or supports, regardless of their ability to speak English.

2. APPLICABILITY

This policy applies to all DDS employees, contractors and grantees that provide services and supports for people with disabilities receiving services as part of the DDS service delivery system regardless of the funding source (*e.g.*, local funds, federal funds, or grants).

3. AUTHORITY

The authority for this policy is established in DDS as set forth in D.C. Law 16-264, the “Department on Disability Services Establishment Act of 2006,” effective March 14, 2007 (D.C. Official Code § 7-761.01 *et seq.*); D.C. Law 15-167, the “Language Access Act of 2004,” effective June 19, 2004, (D.C. Official Code § 2-1931 *et seq.*); and 4 DCMR Chapter 12 (Language Access Act).

4. DEFINITIONS

For the purpose of this policy, and consistent with 4 DCMR § 1299.1, the following definitions apply:

- A. **“Bilingual”** refers to the ability to use two languages proficiently.
- B. **“Biennial Language Access Plan (BLAP)”** is a set of tailored goals and action items meant to improve a D.C. government agency’s language access services. The BLAP contains specific and measurable action plans in areas of data collection, translation of vital documents, training of public contact staff, outreach initiatives, and hiring of bilingual staff that the agency commits to implement within a set timeline over a two-year period.
- C. **“Encounter”** is any instance of interacting with or contacting an LEP/NEP individual through an interpreter (telephonic, video-remote, and/or in-person), and/or a bilingual staff member. If a bilingual staff encounters the same LEP/NEP in a series of interactions over the course of a day, then the series of interactions will count as a single encounter for reporting purposes.
- D. **“Interpretation”** is the conversion of oral wording from one language (the source language) into equivalent oral wording in another language (the target language). Interpretation may occur in-person or over the phone. Although the public and media often use the term interchangeably with “translation,” the word “interpretation” refers to oral speech and “translation” refers to written texts.
- E. **“I Speak’ Cards”** are a resource with which limited or non-English proficient individuals may identify themselves and their preferred language. The wallet-sized cards are disseminated by the D.C. Office of Human Rights and state the following in both English and the applicable non-English language: “I speak [non-English

language]. I need assistance and have the right to receive assistance in my spoken language. Please provide me with an interpreter and note my spoken language in your permanent records. Thank you.”

- F. “Language Access Coordinator (LAC)”** refers to the official within DDS who coordinates DDS activities undertaken to comply with the provisions of this policy.
- G. “Language access services”** entail assessing the need for communication assistance in a language other than English and offering interpretation and/or translation to facilitate communication.
- H. “Language Line”** refers to language interpretation services provided over the phone.
- I. “Language ID Guide”** is a tool that Language Line provides for identifying a person’s preferred language. The Language Access Coordinator supplies this tool to agency staff.
- J. “Language threshold”** denotes DDS’s exposure to a non-English language spoken by a limited or non-English proficient population that constitutes 3% of the persons served by the agency or 500 individuals, whichever is less. Once DDS reaches the threshold for a language, the agency must provide translations of vital documents in that language.
- K. “Limited English proficient (LEP)”** describes an individual who does not use English as a preferred language and who has a limited ability to speak, read, write, or understand English.
- L. “Non-English proficient (NEP)”** describes an individual who does not speak, read, write, or understand English.
- M. “Person”** refers to an individual who may attempt to benefit from or receive services and supports that DDS provides.
- N. “Preferred language”** indicates the language that a person is most comfortable using. It is usually (but not always) the person’s first or native language.
- O. “Staff Language Facilitator”** is an agency employee who is bilingual and proficient in a target language. They should be able to communicate the agency’s mission, services, and general information.

P. “Translation” is the conversion of written wording from one language (the source language) into an equivalent wording in another language (the target language). Although the public and media often use the term interchangeably with “interpretation,” the word “translation” refers to written texts and “interpretation” refers to oral speech. There are two forms of translation:

- (1) Written translation is the conversion of written text from the source language into written text in the target language.
- (2) Sight translation is the oral rendering of a written text from the source into the target language; it is not normally a direct word-for-word translation.

Q. “Vital documents” include the applications, notices, forms, agreements, and outreach materials that DDS publishes or distributes to inform persons about their rights or eligibility requirements for participation in agency programs.

5. POLICY

It is the policy of DDS to ensure that all limited English proficient and non-English proficient (“LEP/NEP”) persons receiving services and supports as part of the DDS service system have access to and receive language access services, including written and oral translations that are appropriate to their specific language needs.

A. DDS shall:

1. Establish and implement a Biennial Language Access Plan, and report the plan’s progress on a quarterly basis to the D.C. Office of Human Rights;
2. Identify a Language Access Coordinator;
3. Collect and analyze data on the demand for agency services in languages other than English;
4. Provide written translations of vital documents into non-English languages that meet the agency’s language threshold;
5. Offer interpretation services;

6. Conduct outreach to foster engagement with limited and non-English proficient communities; and
 7. Train staff on facilitating effective communication with LEP/NEP persons, and the agency's policies and procedures regarding language access compliance.
- B. DDS contractors and grantees shall:
1. Collect data regarding encounters with LEP/NEP customers and report this data to DDS on a quarterly basis;
 2. Offer interpretation services;
 3. Provide written translations of vital documents into non-English languages that meet their organization's language threshold;
 4. Train personnel on all compliance requirements according to the same standards required of DDS; and
 5. Certify in writing that Language Access Act compliance requirements will be satisfied by the contractor/grantee.

6. RESPONSIBILITY

The responsibility for this policy is vested in the Director of the Department on Disability Services. Implementation of this policy is the responsibility of the Department on Disability Services.

7. STANDARDS

A. Data collection

DDS shall collect and report data on the non-English languages spoken by LEP/NEP persons and the resources available to provide language assistance to LEP/NEP persons. This data collection serves two purposes:

1. To determine whether DDS has reached the language threshold for a given non-English language, establishing the language(s) into which the agency must translate its vital documents; and

2. To record the person's preferred language in LEP/NEP case files, ensuring that further interactions with previously identified LEP/NEP persons include appropriate language accommodations.

Accordingly, DDS staff, contractors and grantees shall document all agency encounters with LEP/NEP persons. The Language Access Coordinator shall report the resulting data to the D.C. Office of Human Rights both quarterly and annually. At the end of each fiscal year, the Language Access Coordinator shall submit an implementation report identifying the non-English languages that meet the agency's language threshold, as well as the resources available to the LEP/NEP populations who speak these languages.

B. Signage

All DDS and contractor or grantee facilities that are open to the public – including off-site locations – shall feature visible signage, in customer services areas, informing persons of their rights to obtain assistance in a language they can understand, free of charge. Signage must include information in all non-English languages that meet the agency's language threshold. DDS facilities shall feature the Language Line Desktop Language ID Guide in order to inform the public of language access services,

C. Translation

DDS shall provide written translations of vital documents into all non-English languages that meet the agency's language threshold. These documents include but are not limited to applications, notices, complaint forms, outreach materials, and other documents regarding a person's rights or program eligibility requirements.

Translations of vital documents must be as accessible to the public as the English versions are. To this end, DDS staff contractors and grantees shall distribute the translations within DDS or the contractor/grantee's agency, make them accessible in customer service area entry points of agency and contractor/grantee facilities, and post them online. Translations of vital documents shall be made available upon request in non-English languages that do not meet the agency's language threshold.

D. Interpretation

DDS staff, contractors, and grantees shall establish and maintain full and effective communication with persons of all English proficiency levels. To this end, DDS staff, contractors, and grantees shall offer interpretation services either over the phone or in

person, whichever is more effectual, in the preferred language of all persons identified as LEP/NEP. In so doing, DDS staff, contractors and grantees shall:

1. Avoid assumptions about a person's preferred language and make every effort to ascertain it (for example, some Central Americans use an indigenous dialect as their preferred language rather than Spanish);
2. Provide interpretation whenever reasonably requested by a person, regardless of the person's perceived level of English proficiency;
3. Neither discourage LEP/NEP persons from seeking DDS services nor refuse agency services to such persons;
4. Deliver DDS services and supports in a timely manner (*i.e.* without delays that are significantly greater than those that English proficient persons experience);
5. Exclusively use professional and qualified interpreters to interpret for LEP/NEP persons. If a person requests to have a family member, friend, neighbor, volunteer or any other person act as interpreter, the DDS staff, contractor or grantee shall verify that the requested interpreter is not a minor and shall document a waiver signed in accordance with Section 7.E. below);
6. Provide interpretation for LEP/NEP persons attending DDS public meetings if the agency receives notice of their presence at least five (5) business days in advance of the public meeting; and
7. Make interpretation services available to LEP/NEP persons who participate directly in DDS administrative hearings, whether the person is accompanied by an advocate or attorney.

E. Waiver of language access rights

LEP/NEP persons may insist on using an adult family member or friend as their interpreter or may otherwise refuse the agency's language access services. In such cases, the agency must obtain written consent that waives the person's rights to translation and interpretation services. To do so, agency staff must provide persons with a waiver form in their preferred language, which the D.C. Office of Human Rights supplies. If a written translation is not available in the person's preferred

language or if the person is unable to read, the agency may use sight translation to convey the contents of the waiver form to the person.

F. Bilingual staff

The Language Access Coordinator shall develop and maintain a list of bilingual DDS staff who agree to assist with the LEP/NEP population whose preferred language they speak to the extent that staff members are available. Bilingual staff must be able to:

1. Communicate fluently and accurately in the non-English language(s) in which they claim proficiency;
2. Interpret exact concepts without distorting meaning in either language; and
3. Understand the obligations of confidentiality as appropriate.

DDS shall take reasonable steps to screen self-identified bilingual staff members who request to be placed on the list of staff language facilitators. Based on this list of available staff language facilitators and both the established and anticipated demand for language access services, DDS shall determine its existing capacity for assisting LEP/NEP persons. To the extent that it requires additional capacity for assisting LEP/NEP persons, the agency must give preference to qualified bilingual individuals when hiring for existing budgeted vacant public contact positions.

G. Language access training

All DDS, contractor and grantee staff in public contact positions must be proficient in the requirements and legal obligations for serving LEP/NEP persons. To this end, DDS, contractor, and grantee staff must attend either web-based or in-person trainings provided by, or approved by, the D.C. Office of Human Rights. Training shall occur as part of the onboarding process for new DDS, contractor, and grantee employees, and as part of continuing professional development for existing DDS and contractor or grantee employees. The Biennial Language Access Plan shall outline the details of DDS training on language access.

H. Outreach

DDS must develop a plan for conducting outreach to LEP/NEP communities in order to disseminate information about its language access services. Outreach activities may include, but are not limited to, the following:

1. Conducting public meetings;
2. Organizing events such as fairs, forums, and educational workshops;
3. Visiting and liaising with community centers, community-based organizations, or schools;
4. Disseminating information through in-language or ethnic media outlets, including local television, newspapers, blogs, and radio programs;
5. Having outreach staff perform regular walk-throughs in LEP/NEP communities;
6. Partnering with community-based organizations for the implementation of projects and/or delivery of services;
7. Distributing flyers, brochures, and other printed material in diverse languages and at diverse locations;
8. Disseminating information through the agency's websites;
9. Issuing press releases in diverse languages and directing those press releases to media outlets serving LEP/NEP communities;
10. Implementing a topic-specific campaign to raise awareness of a particular service or project in an LEP/NEP community;
11. Sponsoring educational, informational, cultural, and/or social events in LEP/NEP communities;
12. Participating in LEP/NEP community events and/or meetings;
13. Inviting LEP/NEP community members to visit agency service site(s) and facilities;
14. Cosponsoring community events with community-based organizations that serve LEP/NEP communities;

15. Participating in and/or cosponsoring events that target the District's LEP/NEP communities with other District government agencies; and
16. Organizing regular needs assessment meetings with LEP/NEP community-based organizations.

I. Language access complaints

Any person or organization may file a public complaint alleging a violation of the Language Access Act. The D.C. Office of Human Rights addresses these complaints, which may regard both individual and systemic noncompliance. A person may file the complaint directly, but a person or organization with an interest in the person's welfare may also file a complaint on the person's behalf. DDS, contractor and/or grantee staff shall in no way retaliate against complainants and/or their representatives and shall provide these persons or organizations with the same level of service that other persons receive. Should a person wishing to file a language access complaint contact DDS, contractor or grantee staff, then the staff shall report the incident to the Language Access Coordinator, and provide the person with the following resources:

- (1) The Office of Human Rights Language Access Complaint Form;
- (2) The URL for the online Office of Human Rights Language Access Complaint Form (<http://ohr.dc.gov/webform/language-access-public-complaint-form>); and/or
- (3) The Office of Human Rights phone number, which is **(202) 727-4559**.

J. Resources

DDS staff, contractors, and grantees shall have the following resources available to better serve LEP/NEP persons: digital and hard-copy translations of vital documents; access to contracted in-person and telephonic interpreters; materials from the D.C. Office of Human Rights, such as Language ID Guides; and training as outlined in DDS's Biennial Language Access Plan.

Andrew P. Reese, DDS Director

Date